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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,188	02/15/2002	Laura A. Werner	BVOCP025	5418
28875	7590	08/31/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			SERROU, ABDELALI	
			ART UNIT	PAPER NUMBER
			2654	
DATE MAILED: 08/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/078,188	WERNER, LAURA A.
	Examiner	Art Unit
	Abdelali Serrou	2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 May 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) 5,6,8,11 and 12 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 7, 9, 10, and 13-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the office action mailed on 02/10/2005, in the remarks filed on 05/03/2005, applicant amended claims 1, 7, and 15 – 18, canceled claims 5, 6, 8, 11, and 12, added claims 19 – 24, and submitted arguments to traverse the claim rejections.

### ***Response to Arguments***

2. Applicant arguments have been fully considered, but are moot because of the new grounds for rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “may” (line 2) fails to point out what is included or excluded by the claim language. The examiner has interpreted that “the transitioning to the previous state is disabled...”

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 4, 9 – 10, and 13 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valco et al. (U.S 6, 826, 264, continuation of 09/558, 292, filed on April. 25, 2000) in view of Ito et al. (09/839, 309, filed on April. 23, 2001) and further in view of Victor et al. (U.S 5,363,482 issued on Nov. 8, 1994) and even further in view of Hopper et al. (U.S 5,367,609 issued on Nov. 22, 1994).

7. As per claims 1, 15-18, and 24, Valco et al. teach a method, system, computer program, and logic of a voice mail system that:

receives a script (command) utilizing a telecommunication network (Abstract);  
executes the script tracking a plurality of states (such as “MSG REVIEW”, “SETTING AREA”, “GREETING”, “PASSWORD”, Fig. 2);  
transits to a previous state (setting) of the script upon receiving the request (a previous settings feature is repeated when receiving repeat command from the subscriber, column 4, line 17,18).

Valco et al. do not specifically teach a voice browser to execute the received script.

However, Ito et al. teach a voice browser apparatus (Abstract) to execute an input script.

Valco et al. and Ito et al. are analogous art because they are from the same field of speech recognition and application.

At the time of the invention it would have been obvious to a person of ordinary skill to have added the feature of using a voice command to Valco et al.'s system, in order to support hands-free operations for the benefit of providing an easy and convenient system to access a network.

Neither Valco et al. nor Ito et al. teach determining whether code exists indicating a state other than the previous state to which the script should be transitioned in response to the request; transitioning to the state other than the previous state in response to the request if the code exists; and wherein the code includes a command for identifying specific instructions relating to the transitioning.

Victor et al., however, teach determining whether the script should be transitioned to a state other than the previous state (button link commands, col. 9, line 6); transitioning to the state other than the previous state in response to the request if the code exists (col. 9, lines 5-8); and wherein the code includes a command for identifying specific instructions relating to the transitioning (such as: Go to map or Go to slide n, col. 9, line 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have added the transition features of Victor et al. to the combined system of Valco et al. and Ito et al. in order to provide a system that enables the user to transit freely between states.

Neither Valco et al. nor Ito et al. or Victor et al. teach a script that includes customizable forms and fields.

Hopper et al., however, teach a script that includes customizable forms and fields (col. 7, lines 7-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have added the customizable script of Hopper et al. to the combined system of Valco et al., Ito et al. and Victor et al. in order to enable the user to choose his/her scripting preferences.

8. As per claims 2-4, Valco et al. and Ito et al. do not teach determining whether code exists indicating that the previous state should be skipped.

However, since Victor et al. teach transitioning to a state previous to the previous state in response to the request (see rejection of claim 1), determining whether code exists indicating that the previous state should be skipped is suggested by Victor et al. teachings, for otherwise, Victor et al.'s system does not transition to a state previous to the previous state.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have added the transition features of Victor et al. to the combined system of Valco et al. and Ito et al. in order to provide a system that enables the user to easily navigate to the desired state.

9. As per claims 9 and 10, Valco et al. teach storing, within each state, information that identify a type of event ("the message review area" column 4, line 20 wherein the user can review messages and select which state will be next).

10. As per claim 13, Valco et al. teach information that identifies an application such as walking the user through steps to “select/create a greeting” (column4, line 66).

11. As per claim 14, Valco et al. teach a method of navigating between the different states of a script, therefore the system used, necessarily discloses a pointer, otherwise the user would not be able to select his/her options.

12. As per claims 20-23, Valco et al. teach disabling or canceling an action (col. 3, lines 16-17) and transitioning to the previous state (message review, col. 3, line 17); an alert (Notification, col. 3, line 52) that is sent to inform the user of the changes made; transitioning to a previous state (e.g., the Setting Area, col.4, line 47) wherein the user is prompted for new input and retracting an input (col. 4, lines 47-53).

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valco et al., Ito et al., Victor et al., Hopper et al., as applied in claim 1, and further in view of Cohen et al. (09/557, 988, filed on April. 25, 2000).

Neither Valco et al., Ito et al., Victor et al. nor Hopper et al. teach a system using JAVASCRIPT code.

However, Cohen et al. use Java programming language (column 6, line 59) to enable their voice browser (column 2, line 42).

At the time of invention it would have been obvious to a person of ordinary skill in the art, to have added the teaching of Cohen et al. by using Java coding with the combined system of

Valco et al., Ito et al., Victor et al, and Hopper et al. for the benefit of having a developed, rapid, and reliable system.

*Conclusion*

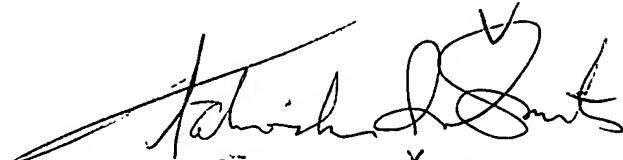
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Altschuler et al. (U.S 6,154,767) teach methods and apparatus for building resource and attribute transition probability models. Fite, Jr. et al. (U.S 6,061,737) teach a set of state machine commands defining conditions necessary to effect transitions from state to state

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 571-272-7638. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 571-272-7628. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdelali Serrou  
08/23/05



TALIVALDIS IVARS SMITS  
PRIMARY EXAMINER